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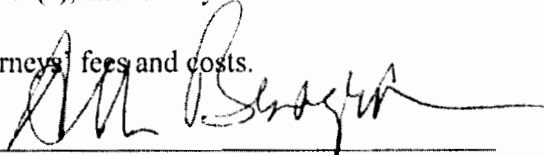
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(SAN FRANCISCO DIVISION)

In re: Bextra and Celebrex Marketing Sales \* MDL No. 1699  
Practices and Product Liability Litigation \* District Judge: Charles R. Breyer  
\*\*\*\*\*  
TOMMY SMITH \* Case No. 06-3684  
\*  
Plaintiff, \* STIPULATION AND ORDER OF  
\* DISMISSAL WITH PREJUDICE  
\*  
VS. \*  
\*  
PFIZER, INC. , et al \*  
\*  
Defendants. \*  
\*\*\*\*\*


Comes now the Plaintiff, **TOMMY SMITH**, by and through the undersigned attorney(s), pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby seeks dismissal of this action *with prejudice* with each side bearing its own attorneys' fees and costs.

Dated: 3-18-09

BY   
Attorney for Plaintiff, TOMMY SMITH

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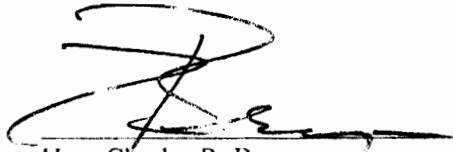
Dated: December 11, 2009

BY:   
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DLA PIPER LLP (US)  
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New York, NY 10020  
(212)335-4500  
Fax: 212-335-4501  
*DEFENDANTS' LIAISON COUNSEL*

**PURSUANT TO THE TERMS SET FORTH IN THIS PARTIES' STIPULATION, IT IS  
SO ORDERED.**

Dated: DEC 16 2009

  
\_\_\_\_\_  
Hon. Charles R. Breyer,  
United States District Court